



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: December 13, 2007

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Harry Kaiser, on behalf of Minneapolis Residents for Smart Density, has filed an appeal of the decision of the City Planning Commission in regard to the Creekside Commons development located at 5400, 5404 and 5412 Stevens Avenue South.

Recommendation: At the November 13, 2007, City Planning Commission meeting eight of the ten Planning Commission members were present. Please note that unless a tie vote needs to be broken that President Motzenbecker does not vote on the applications and is therefore reflected in the outcome of the votes. All of the Planning Commissioners voted to approve the following applications:

- Conditional use permit for 30 dwelling units, Approved 7-0.
- Variance to reduce the required number of off-street parking spaces for the dwellings from 29 to 27, Approved 7-0.
- Variance to reduce the front yard setback along Stevens Avenue South from the required 15 feet to 0 feet, Approved 7-0.
- Site plan review, Approved 7-0.

In addition to the above applications the Planning Commission also approved a rezoning application and a water main easement vacation for the project. Since these two applications have to be approved by the City Council they cannot be appealed. The votes for these applications are as follows:

- Rezoning: from R1 to R5, Approved, 4-3.
- Vac1538: Vacation of a water main easement located in a vacated portion of Stevens Avenue, Approved, 7-0.

Ward: 11

Previous Directives: Not applicable

Prepared by: Hilary Dvorak, Senior Planner Approved by: Jason Wittenberg, Planning Supervisor Presenters in Committee: Hilary Dvorak, Senior Planner
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Community Impact

- Neighborhood Notification: Notice of the Planning Commission hearing was mailed on October 22, 2007, and notice of the appeal was mailed on December 3, 2007
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: A 60-day extension letter was mailed on October 25, 2007, extending the 120-day decision period to January 26, 2008.

Supporting Information

Harry Kaiser, on behalf of Minneapolis Residents for Smart Density, has filed an appeal of the decision of the City Planning Commission in regard to the Creekside Commons development located at 5400, 5404 and 5412 Stevens Avenue South. The appeal is associated with the decision of the City Planning Commission to approve the following applications:

- Conditional use permit for 30 dwelling units
- Variance to reduce the required number of off-street parking spaces for the dwellings from 29 to 27
- Variance to reduce the front yard setback along Stevens Avenue South from the required 15 feet to 0 feet
- Site plan review

The original staff report and the minutes from the November 13, 2007, City Planning Commission meeting are attached.

The appellant has stated that the decision is being appealed for several reasons. Please see the appellant's complete statement and reasons for the appeal that are attached.

- The proposal is 3.1 times the size of the largest property nearby.
- There is no precedent for such density this far outside a Community Corridor, Transit Station Area or Major Housing Site.
- The proposal's main entrance will be an alley which is not wide enough for two cars to pass one another.
- The development does not meet the criteria for hardship for the parking variance.
- The development breaks the street wall on Stevens Avenue formed by the homes to the south.
- The parking summary in the staff report assumes that on Sundays, between 7 am and 2 pm, is the only peak use time.
- The staff report recommends reducing the parking requirement for the Museum of Russian Art below what was required by the Board of Adjustment.